

Retroactive “street time” credit for parole revoked before September 1, 2001

HB 1896 by Hodge (Whitmire)

DIGEST: HB 1896 would have extended provisions in current law that give certain categories of non-violent offenders who have their parole revoked credit toward their sentences for the “street time” they spent on parole. The law would have been extended to parole revocations that occurred before September 1, 2001, in addition to on or after that date, as in current law.

**GOVERNOR’S
REASON FOR
VETO:**

“House Bill No. 1896 would retroactively allow the crediting of time served on parole to certain felons who are returned to prison after their parole or mandatory supervision is revoked. This would effectively shorten the length of prison time an offender serves.

“Retroactively crediting parolees who have been revoked from parole with time served on the street prior to revocation is tantamount to rewarding bad behavior. Furthermore, it is dangerous public safety policy.”

RESPONSE: Rep. Terri Hodge, the bill’s author, said: “I am disappointed Gov. Perry chose to veto HB 1896. I fear this was done due to a lack of understanding on his part as to what exactly this bill would have done. This bill would have created an equitable system within the Texas Department of Criminal Justice by allowing non-violent offenders who had successfully completed 51 percent of their parole, mandatory supervision, or conditional pardon, before being revoked for a technical violation and not a new conviction prior to September 1, 2001, to be treated the same as nonviolent offenders whose parole was revoked after September 1, 2001.

“Gov. Perry said that, if passed, HB 1896 ‘would effectively shorten the length of prison time an offender serves.’ This is not true. Once an offender becomes eligible for parole, only the parole board determines the length of time an offender serves in prison. HB 1896 dealt with the accreditation of street time. Street time is served by an offender in the community while under the supervision of the parole division and only after they have been released to the community by the parole board.

“HB 1896 specifically addressed the effective date of a bill, HB 1649 from the 77th regular session, which is now law. Simply put, HB 1649 allowed street time credit for an offender on parole who served 51 percent of their time on community supervision, before their parole was revoked due to a technical violation and not a new conviction, only to serve their remaining sentence in prison. If the said offender failed to serve 51 percent of their community supervision and their parole was revoked, then the offender would be returned to prison to serve their entire sentence.

“Gov. Perry said HB 1896 if passed is ‘tantamount to rewarding bad behavior’ and that it is dangerous public policy. I find that statement confusing, considering Gov. Perry had no problem signing HB 1649 into law on June 14, 2001.”

Sen. John Whitmire, the Senate sponsor, said he was disappointed because the bill could have helped the state deal with overcrowding in its correctional facilities.

NOTES:

HB 1896 was analyzed in Part Two of the May 11 *Daily Floor Report*.